

**REMARKS**

Reconsideration of the outstanding Office Action is respectfully solicited.

Claims 3 and 13 have been canceled. Claim 1 amendments are supported by the specification at page 1, line 24, *et seq.*, and Claim 3, page 3, line 13, and Claim 8. Claim 2 changes are supported by the specification in the paragraph bridging pages 1-2. Claims 5-7 and 17 have been amended to insert that the grain size is "**between**" certain numerical values; the amendment to insert the word "between" is supported by original Claim 6. Claim 13 is replaced by new Claim 25. Claim 20 is supported at page 1, line 24, *et seq.* Claim 21 is supported at page 6, line 15, *et seq.* Claim 22 is supported at page 5, line 6, *et seq.*

Applicant respectfully traverses the rejections of Claims 2 and 5-7 under 35 U.S.C. § 112, although the rejections appear to be moot in view of the amendments to Claims 2 and 5-7, as indicated above.

Applicant respectfully traverses the rejection of Claims under 35 U.S.C. § 102, and requests reconsideration of the claims herein. The Patent and Trademark Office's attention is respectfully directed to M.P.E.P. Section 2131. In that Section, the Patent and Trademark Office policy is expressed to indicate that a printed publication which is applied as an anticipatory reference must describe each and every element of the claimed invention. In Applicant's view, the claims are not properly rejected under 35 U.S.C. § 102 over Hesterman (U.S. Patent 5,693,413).

The Examiner finds that Hesterman discloses a composition of 45-92 wt% of rubber chips/strips, 0-55wt% ground glass, and 5-15% binder (page 4, first and second paragraphs, of the Office Action). In Applicant's view, that finding indicates that the Hesterman reference can not constitute an anticipatory reference. First, the finding concerning Hesterman contemplates the complete absence of glass granules. This is completely opposite of Applicant's invention, which, in its broadest terms, is directed to glass granule composites. As set forth at page 1 of the specification, the glass granules comprise between 40 and 90%w/w of the composite. By comparison, Hesterson, it is found, contemplates the total elimination of glass granules. Furthermore, the Patent and Trademark Office finds that Hesterson contemplates compositing rubber chips or strips; this compositing of rubber chips is not pertinent to Applicant's claim 1. Accordingly, Applicant respectfully traverses the rejection under 35 U.S.C. § 102, and requests withdrawal thereof.

Applicant respectfully traverses the rejections of 1, 3, 5-7, and 14-17 over Lee (U.S. Patent 3,539,533), under 35 U.S.C. § 102. In Applicant's view, glass granules do not correspond to filler, which has a particle size of 2 to 85 microns; please see column 3, line 59, *et seq.* of the reference. (The micron unit is  $10^{-6}$  meters or  $10^{-3}$  millimeters.) The filler in this reference is used in a dental filling composition. The description of a dental filling material leads away from using glass granules, one element of Applicant's invention.

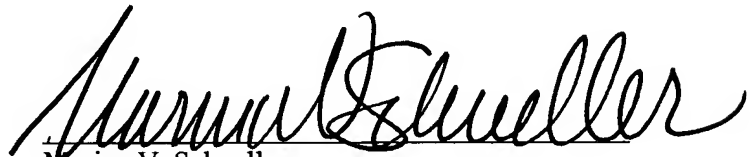
Applicant respectfully traverses the rejections of 1, 3, 5-7, 9-11, and 16-19 over Orłowski (U.S. Patent 4,220,582) under 35 U.S.C. § 102, and traverse the rejection of Claim

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15 under 35 U.S.C. § 103 over the Orlowski reference, which is also directed to a restorative filler. Fillers in this reference are described to be finely divided and, *inter alia*, at page 9, lines 50, *et seq*, to have a particle size range of from about 0.6 to about 50 microns. This type of filler leads away from Applicant's claims, which require glass granules.

Reconsideration and an early allowance are respectfully solicited.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Marina V. Schneller', written over a horizontal line.

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